

**Order On Disputed Issues Re: Case Management Order No. 6 02/28/2002****And Plaintiffs' Fact Sheet**

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION,	MDL NO. 1407 ORDER ON DISPUTED ISSUES RE: CASE MANAGEMENT ORDER NO. 6 AND PLAINTIFFS' FACT SHEET
This document relates to all actions	

The court held a status conference on February 27, 2002. Having heard arguments and considered papers filed in support of and in opposition to disputed issues regarding Case Management Order No. 6 and Plaintiffs' Fact Sheet ("Fact Sheet"), the court finds as follows:

1. Counsel will meet and confer regarding a proposed expert discovery schedule and will report back to the court on this issue by March 11, 2002.
2. Defendants may propound no more than ten (10) interrogatories, including discrete subparts pursuant to Fed. R. Civ. P. 33, directly to the counsel of record for plaintiffs in each respective case. These interrogatories may not duplicate any request contained in the Fact Sheet.
3. Defendants may conduct ten (10) depositions as a part of their case-specific fact discovery in each case transferred to this court. Depositions of plaintiffs may not exceed seven (7) hours of actual deposition time, while depositions of non-party witnesses may not exceed four (4) hours of actual deposition time, unless defendants can show a need for additional time to conduct a particular non-party deposition.
4. The Fact Sheet must include an option for plaintiffs to respond as "unknown," with respect to knowledge of any diagnosis or treatment received by relatives. All other questions shall be limited to "yes" or "no" answers.
5. The Fact Sheet may request information relating to all cough and cold and appetite suppressant medications, including those medications not containing PPA, taken by plaintiffs for the past ten (10) years.
6. Counsel for plaintiffs will file a motion regarding the confidentiality of documents produced by clinical investigators of the Hemorrhagic Stroke Project on February 28, 2002. Defendants will file a response to this motion by March 8, 2002, and plaintiffs' reply will be filed by March 12, 2002.
7. The court accepts the offer by counsel for plaintiffs to identify case-specific motions that should be heard by the court. The court will provide a list of pending motions to plaintiffs' counsel to assist in the resolution of

this issue.

8. All future status conferences will be scheduled to begin at 9:30 a.m. on the fourth Wednesday of each month, with the exception that the status conference for the month of March will be scheduled for 9:30 a.m. on Tuesday, March 26, 2002.

9. The court extends its permission for counsel of manufacturer-defendants and for plaintiffs' steering committee members to attend future status conferences. Other individuals may only attend a status conference in the event of a special need.

10. As these issues were not addressed as planned in the February 27, 2002 status conference, the parties will present reports on their investigations into the logistics involved in video conferencing depositions and status conferences, and updates on the status of federal and state coordination at the March 26, 2002 status conference.

DATED at Seattle, Washington this 28th day of February, 2002.

\_\_\_\_\_/s/\_\_\_\_\_  
HONORABLE BARBARA JACOBS ROTHSTEIN  
UNITED STATES DISTRICT JUDGE